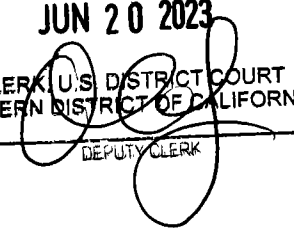


FILED

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JUN 20 2023
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSHUA JORDAN,

Plaintiff/Petitioner

V.

MATTHEW PROVINS,

Defendant/Respondent

Case No.: 2:23-cv-00287-DJC-CKD

MOTION FOR EXTENSION TO AMEND
THE COMPLAINT AND TO RECONSIDER
MOTION TO FILE ELECTRONICALLY

Plaintiff Joshua Jordan ("Plaintiff"), pro se, and respectfully requests this Court to grant an extension of time to file an amended complaint and for reconsideration for access to electronic filing through CM/ECF as this court has asserted it would allow the Plaintiff to bring this again. In support of this motion, Plaintiff states as follows:

1. Need for Extension of Time to Amend Complaint:

Plaintiff is a pro se litigant, without formal legal training, and finding it difficult to navigate the complex legal process. Despite these challenges, Plaintiff is committed to understanding and abiding by the Court's rules and procedures, in order not to waste the Court's time. (See

1 Pliler v. Ford, 542 U.S. 225, 231 (2004) (recognizing the challenges faced by pro se litigants).)

2 **Juarez v. Hlaing, No. 2:15-cv-1996 JAM DB P (E.D. Cal. Oct. 25, 2018)**

3
4 This case from the Eastern District of California discusses the factors for granting leave to
5 amend a complaint, and specifically notes that pro se status and the policy of freely granting
6 leave to amend both favor granting the request.
7

8 "Nonetheless, the court finds that plaintiff's pro se status and the policy that leave to amend
9 pleadings shall be freely given favor granting plaintiff leave to amend his complaint. There is
10 no indication that any of the cautionary factors set out in Foman are present. And, to the
11 extent amendment may be futile, that factor will be addressed when the court considers
12 below whether plaintiff has stated cognizable claims."
13
14
15

16 **2. New Facts from a Related Case:**

17 Plaintiff is involved in another lawsuit in another jurisdiction and has recently uncovered
18 new facts that are relevant to the material facts of this case. Plaintiff expects to learn more
19 about these facts over the next 45 days. Granting an extension will enable Plaintiff to amend
20 the complaint to include these new facts and to ensure that all relevant information is before
21 the Court.
22
23

24 **3. Ongoing Discussions for Dismissal:**

25 Plaintiff is currently in discussions with the Defendant about the possibility of dismissing
26 this case. An extension of time will allow for these discussions to continue without
27 prejudice to any party.
28

4. Request for Access to Electronic Filing:

Plaintiff is prejudiced by lack of access to the Court's CM/ECF system. The Defendant, through counsel, can submit filings at any time, while Plaintiff must mail his filings and wait for them to be received from Florence or Charleston, South Carolina and then processed by this Court in Sacramento, California. This discrepancy results in Plaintiff having significantly less time to prepare and submit pleadings (e.g. 7 days instead of the usual 14 days enjoyed by attorneys represented by the Defendant). Plaintiff respectfully requests access to the Court's CM/ECF system, and has attached Exhibit A, in support of this motion and demonstrating his ability to use the system in compliance with the Court's rules.

Smith v. Counts, Case No. 2:20-cv-02441-TLN-JDP (E.D. Cal. Feb. 3, 2021)

"JEREMY D. PETERSON UNITED STATES MAGISTRATE JUDGE ORDER GRANTING PLAINTIFF'S MOTION TO E-FILE CASE DOCUMENTS ECF No. 12 On January 11, 2021, plaintiff, proceeding without counsel and without prepayment of fees, moved for permission to use this court's case management/electronic case filing (CM/ECF) system."

"However, a pro se party may file using CM/ECF with the court's permission. L.R. 133(b)(2). Requests to use electronic filing "shall be submitted as stipulations as provided in L.R. 143 or, if a stipulation cannot be had, as written motions setting out an explanation of reasons for the exception." L.R. 133(b)3)."

"I am satisfied with plaintiff's stated reasons for the exception and grant his motion."

"Upon return of this form, the clerk's office is directed to assign plaintiff a CM/ECF login and password. IT IS SO ORDERED."

Towers v. Superior Court, Case No. 1:20-cv-00411-NONE-JDP (E.D. Cal. Jun. 29, 2020)

"On June 8, 2020, petitioner moved for permission to use this court's case management/electronic case filing (CM/ECF) system. ECF No. 15."

"However, a pro se petitioner may file using CM/ECF with the court's permission. L.R. 133(b)(2)."

"Petitioner sought a stipulation to his use of CM/ECF from respondent but was unable to obtain it. ECF No. 15 at 4-5. Petitioner then moved for permission to use CM/ECF, stating that the cost and time required by paper filing is burdensome and that he has successfully used the state court's electronic filing system in the past. Id. at 3. We are satisfied with petitioner's stated reasons for the exception and grant his motion."

Conclusion

For these reasons, Plaintiff respectfully requests an extension of time of 60 days to file an amended complaint and for reconsideration to access to the CM/ECF system.

Dated this June 15, 2023.

By: /s/ Joshua Jordan
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EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSHUA JORDAN

Plaintiff(s)/United States

v.

Case No. 2:23-cv-00287-DJC-CKD

MATTHEW PROVINS

Defendant(s)

Pro Se Motion for Electronic Case Filing Authorization

NOW COMES the Defendant, Joshua Jordan,

appearing pro se (hereinafter "Pro Se Litigant"), and respectfully requests that the court permit said Pro Se Litigant to file electronically in ECF. In support of this motion, Pro Se Litigant states the following:

1. Pro Se Litigant is presently a named party in the above case.

2. Pro Se Litigant represents that he/she has the following systems required to participate in ECF:

A. An email account and Internet access;

B. Internet browser that is compatible with ECF, such as Internet Explorer, Safari or Firefox;

C. Ability to create and read PDF documents;

D. A PACER (Public Access to Court Electronic Records) account with PACER login and password;

1 3. As a condition of obtaining electronic filing authorization, Pro Se Litigant
2 understands and agrees to the following:

3
4 A. I must familiarize myself with and follow rules and procedures
5 of the Court, such as the Federal Rules, Local Rules, and the
6 Administrative Procedures for Electronic Case Filing;

7
8 B. By registering for electronic service, I waive my right to
9 receive service of documents by first class mail, according to
10 Federal Rule Civil Procedure 5(b)(2)(E). I will receive a Notice of
11 Electronic Filing via e-mail. Upon receipt of this notice, I am
12 permitted one "free look" at the document by clicking on the
13 hyperlinked document number. The one "free look" expires 15
14 days from the date the notice was sent. After the "free look" is
15 used or expires, the document can only be accessed through
16 PACER.;

17
18 C. I may only file electronic documents in the above-captioned
19 case;

20
21 D. That the clerk's office will terminate my electronic filing
22 authorization should an attorney subsequently file an appearance
23 on my behalf in the above captioned case;

1
2
3 E. That the court may terminate my electronic filing
4 authorization at any time for failure to comply with any of the
5 above conditions.
6

7 WHEREFORE, Pro Se Litigant respectfully requests that the court:
8

9 A. Grant the Motion to Obtain Electronic Filing
10 Authorization;
11

12 B. Grant such other relief as is equitable and just.
13

14 Date: 06/15/2023 Signature: /s/ Joshua Jordan

15 Name: Joshua Jordan

16 Address: 6650 Rivers Ave, STE 100

17 Charleston, SC 29406

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21 Email Address: joshlegalstuff@gmail.com
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